

**SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF LEWIS**

360 N.W. North St., MS:JUV01
Chehalis, WA 98532-1900

JUVENILE COURT

(360) 740-1178
Fax (360) 748-2258
TDD (360) 740-1480

Shad B. Hail
Administrator

Susan E. Wickert
Office Manager

Charles R. West
Detention Manager

Rickie M. Anders
Probation Manager



Hon. J. Andrew Toynbee
Judge - Department No. 1

Hon. James W. Lawler
Judge – Department No. 2

Hon. Joely A. O'Rourke
Judge – Department No. 3

Tracy Loiacono Mitchell
Court Commissioner

TRUANCY LEGISLATION
R.C.W. 28A.225 Effective 9/1/95

All parents of any child between 8 and 18, must have their child attend public school and such child has the responsibility to attend school full time unless the child is:

1. in private school, extension program, or education center;
2. receiving home-based instruction;
3. excused by the district superintendent for a physical or mental disability, or is in a residential school;
4. sixteen years of age or older and:
 - a. is regularly and lawfully employed and either parent agrees that the child should not be required to attend school or the child is emancipated in accordance with chapter 13.64 RCW;
 - b. has already met graduation requirements;
 - c. has received a certificate of educational competence.

If a parent enrolls a child ages six or seven, the parent has the responsibility to ensure the child attends for the full time school is in session. An exception shall be made to this requirement for children whose parents formally remove them from enrollment if the child is less than eight years old and a petition has not been filed. The child may be temporarily excused upon the request of his or her parent for purposes agreed upon by the school district and parent.

Each school must annually inform the parents of the compulsory attendance requirements of this law. Juvenile Courts may establish and operate a Community Truancy Board (CTB). Or, a School District may establish and operate a CTB under the jurisdiction of the Juvenile Court. Duties of the CTB shall include, but not be limited to, recommending methods for improving school attendance.

If a child fails to attend school without valid justification, the school shall:

1. *After one unexcused absence within any month* when the child fails to attend school inform the parents in writing or by telephone that the child is not attending school.
2. *After two unexcused absences within any month during the current school year*, schedule a conference with parent(s) and child at a time and place reasonably convenient for all persons included for the purposes of analyzing the causes of the child's absences.
3. Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate:

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- a. adjusting the child's school program or school course assignment;
 - b. providing more individualized or remedial instruction;
 - c. providing appropriate vocational courses or work experience, or
 - d. requiring a child to attend an alternative school,
 - e. assist the parent or the child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school.
4. Unexcused absence means that a child: a) has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive district policy; and b) has failed to meet the school district's policy for excused absences.

If the steps taken to eliminate or reduce the child's absences by the school district are not successful not later than the fifth unexcused absence by a child 8-18 years of age, or the seventh unexcused absence by a child 6 or 7 years of age, within any month during the current school year or upon the tenth unexcused absence during the current school year the school district shall file a petition with the Juvenile Court. If the school district fails to file a petition the parent may file. If the allegations in the petitions are established beyond a preponderance of the evidence the Court shall grant the petition and enter an order assuming jurisdiction to intervene for a period of time determined by the court.

Upon noncompliance with a Truancy Order a representative of the school district may file a request for a hearing on a contempt motion. The juvenile, if indigent, shall be appointed an attorney for this hearing. At the contempt hearing if the juvenile is found in contempt the Court Commissioner may:

1. sentence the juvenile up to seven days in juvenile detention,
2. suspend the detention sentence,
3. require juvenile to perform community service hours,
4. require juvenile to participate in counseling and/or drug/alcohol testing,
5. require juvenile to participate in the School District's dropout prevention program, if any,
6. refer the juvenile to the Community Truancy Board, or
8. issue a warrant for the arrest of the juvenile for failing to appear at said hearing.

If the parent(s) are found in contempt, the Court Commissioner may:

1. fine the parents a sum not more than \$25.00 for each day of unexcused absence from school,
2. require parents or guardian to perform community service,
3. suspend the fine upon the condition that the parents or guardian participate with the school and the child in a supervised plan for the child's attendance or attend a conference with the school district for the purpose of analyzing the causes of a child's absences,

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Any school district official, sheriff, deputy sheriff, marshal, police officer, or any other officer authorized to make arrests, may take into custody without a warrant a child who is required to attend school and is absent from school without an approved excuse, and shall deliver the child to the custody of a person in parental relation to the child, the school from which the child is absent or a program designated by the school district.